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Notice of Allowability

Application No.

10/694,600

Examiner

Thomas A. Morrison

Applicant(s)

OSTREICHER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interviews on 8/12/05, 8/16/05, 9/6/05 and 9/14/05.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dassler (Reg. No. 52,794) on September 14, 2005.

Please amend the paragraph spanning pages 7 and 8 (beginning on page 7, line 12) as follows:

-- The lifting suction heads 19 are configured as spring-action suction heads, as they are known, i.e. the volume of a first suction chamber 26 is changed when the first suction chamber 26 is subjected to vacuum and at the same time a suction nozzle 27 is covered by the sheet 7 to be separated, the change in volume causing the suction nozzle 27 and thus the sheet 7 to be raised (FIG. 2). The suction nozzle 27 is disposed at the end of a cylindrical body or lifting cylinder 28 that is guided on a cylindrical tube 29 of a spring-action suction head housing 31. Here, the tube 29 and suction nozzle 27 and the sheet 7 form the first suction chamber 26. At the end remote from the suction nozzle 27, the cylinder body 28 has an outer collar 32 which, configured as a piston, closes off a cylindrical second suction chamber 33 which surrounds the first suction chamber

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26 coaxially. Disposed in the outer collar 32 are a number of through openings, or at least one through opening 36, which each have a non-return valve 37. --

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In claim 1, line 2 after "comprising:", -- a lifting cylinder; -- has been inserted.

In claim 1, line 3 after "a volume", "for lifting the spring-action suction head and the volume" has been deleted.

In claim 1, line 5 after "a vacuum", "; and" has been deleted.

In claim 1, line 5 after "a vacuum", -- , said first suction chamber being operatively connected to said lifting cylinder for lifting said lifting cylinder from a first position to a second position; -- has been inserted.

In claim 1, line 7 after "chamber", "for" has been deleted.

In claim 1, line 7 before "holding", -- and operatively connected to said lifting cylinder for -- has been inserted.

In claim 1, line 7 after "holding", "the spring-action suction head and for reducing a lowering speed of the spring-action suction head" has been deleted.

In claim 1, line 7 after "holding", -- said lifting cylinder in the second position -- has been inserted.

In claim 1, line 10 after "channel", -- having a closeable connection to ambient surroundings and -- has been inserted.

In claim 1, line 11 after "chamber", "and having a closeable connection to ambient surroundings" has been deleted.

In claim 1, line 11 after "chamber", -- such that when said lifting cylinder is released from being held in the second position, a lowering speed of said lifting cylinder is reduced during movement of said lifting cylinder from the second position to the first position -- has been inserted.

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In claim 5, line 2 after "claim 4," "further comprising a" has been deleted.

In claim 5, line 2 before "lifting", -- wherein said -- has been inserted.

In claim 5, line 2 after "cylinder", "delimiting" has been changed to -- delimits --.

In claim 11, line 7 before "opening", -- at least one -- has been inserted.

In claim 11, line 10 before "openings", -- plurality of -- has been inserted.

In claim 12, line 3 after ":", "and" has been deleted.

In claim 12, line 5 after "volume", "for lifting said lifting cylinder and the volume" has been deleted.

In claim 12, line 7 after "vacuum,", -- said first suction chamber being operatively connected to said lifting cylinder for lifting said lifting cylinder from a first position to a second position, -- has been inserted.

In claim 12, line 8 after "chamber", -- and operatively connected to said lifting cylinder -- has been inserted.

In claim 12, line 8 after "cylinder", -- in the second position -- has been inserted.

In claim 12, line 9 before ",", "and for reducing a lowering speed of said lifting cylinder" has been deleted.

In claim 12, line 10 after "channel", "being operatively connected to said second suction chamber and" has been deleted.

In claim 12, line 12 after "surroundings", -- and being operatively connected to said second suction chamber such that when said lifting cylinder is released from being held in the second position, a lowering speed of said lifting

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cylinder is reduced during movement of said lifting cylinder from the second position to the first position -- has been inserted.

In claim 22, line 7 before "opening", -- at least one -- has been inserted.

In claim 22, line 10 before "openings", -- plurality of -- has been inserted.

In claim 23, line 2 after "claim 1,", "further comprising:" has been deleted.

In claim 23, line 2 after "claim 1,", -- wherein -- has been inserted.

In claim 23, line 3 before "lifting", "a" has been deleted.

In claim 23, line 3 before "lifting", -- said -- has been inserted.

In claim 23, line 3 after "cylinder", -- is -- has been inserted.

In claim 23, line 4 after "by", "a" has been deleted.

In claim 23, line 5 before "movement", -- the -- has been inserted.

In claim 23, line 5 before "cylinder", -- lifting -- has been inserted.

In claim 23, line 5 after "cylinder", -- from the second position to the first position -- has been inserted.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

U.S. Patent No. 5,447,300 (Junger) is the closest prior art reference of record. However, this reference fails to disclose or suggest the arrangement of the cross-flow channel and the second suction chamber that allows the lowering speed of the lifting cylinder to be reduced during movement of the lifting cylinder, as now set forth in independent claims 1 and 12 by the examiner's amendment above.

More specifically, the Junger patent fails to disclose or suggest the closable cross-flow channel having a connection to ambient surroundings and being operatively connected to the second suction chamber such that when the lifting cylinder is released from being held in the second position, a lowering speed of the lifting cylinder is reduced during movement of the lifting cylinder from the second position to the first position, as now set forth in independent claims 1 and 12 by the examiner's amendment above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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